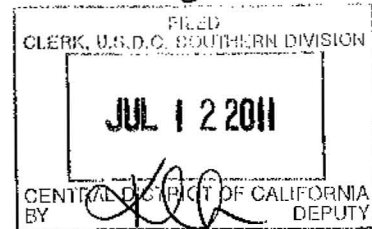


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4 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE. *Petitioner*

5 DATED: 7/12/2011
6 *[Signature]*
7 DEPUTY CLERK



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 PETER PERRY, } Case No. EDCV 11-941-TJH (RNB)
12 Petitioner, }
13 vs. } ORDER SUMMARILY DISMISSING
14 TIM VIRGA, Warden, } PETITION FOR WRIT OF HABEAS
15 Respondent. } CORPUS FOR LACK OF SUBJECT
16 } MATTER JURISDICTION

17 On June 14, 2011, petitioner filed a Petition Under 28 U.S.C. § 2254 for Writ
18 of Habeas Corpus by a Person in State Custody ("Pet.") herein.

19 It appears from the face of the Petition that it is directed to the same 2003 San
20 Bernardino County Superior Court conviction as the prior habeas petition filed by
21 petitioner in this Court on July 27, 2005, in Case No. EDCV 05-0676-TJH (RNB).
22 On December 21, 2005, Judgment was entered in Case No. EDCV 05-0676-TJH
23 (RNB) denying the Petition and dismissing the action with prejudice. Petitioner
24 appealed from the Judgment to the Ninth Circuit, but his untimely request for a
25 certificate of appealability was denied by this Court on jurisdictional grounds.
26 Subsequently, the Ninth Circuit denied petitioner's request for a certificate of
27 appealability as well.

28 The sole claim being alleged by petitioner in his just-filed Petition is that he

1 was coerced by defense counsel into pleading guilty. (See Pet. at ¶ 7.a.) Since that
2 claim corresponds to one of the subclaims alleged by petitioner in Ground 1 of the
3 Petition in Case No. EDCV 05-0676-TJH (RNB), the Court's consideration of the
4 just-filed Petition is governed by 28 U.S.C. § 2244(b)(1), which provides that "[a]
5 claim presented in a second or successive habeas corpus application under section
6 2254 that was presented in a prior application shall be dismissed."

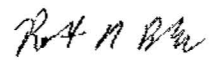
7 IT THEREFORE IS ORDERED that this action be summarily dismissed,
8 pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States
9 District Courts.

10 LET JUDGMENT BE ENTERED ACCORDINGLY.
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12 DATED: June 28, 2011


TERRY J. HATTER, JR.
UNITED STATES DISTRICT JUDGE

15 Presented by:

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17 _____
18 Robert N. Block
United States Magistrate Judge
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